

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES DERRICK MAPSON,

Plaintiff,

Civil No. 05-73047
Hon. John Feikens

v.

FARMERS INSURANCE EXCHANGE,

Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff James Derrick Mapson brings suit against Defendant Farmers Insurance Exchange for violation of Michigan's No Fault Automobile Insurance Act, M.C.L. § 500.3101, *et seq.* Plaintiff has an automobile insurance policy (the "Policy") with Defendant and sustained seriously bodily injuries in a March 1996 car accident, rendering him quadriplegic. (Compl. ¶¶ 4, 6, 11.) A dispute arose between the parties regarding the dollar amount of benefits owed to Plaintiff under the Policy, and Plaintiff filed a lawsuit in Oakland County Circuit Court in July 2004. (Compl. ¶ 10; Def.'s Br. at 8.) Oakland County Circuit Judge Rudy Nichols entered a judgment enforcing an arbitration award for Plaintiff, which awarded Plaintiff benefits for the period of May 28, 2002 through June 21, 2005. (Def.'s Mot. at Ex. A.) Defendant appealed this judgment to the Michigan Court of Appeals, and the parties are awaiting a decision from that court. (Def.'s Br. at 8.) Plaintiff's lawsuit before this Court seeks benefits from Defendant for the period of June 21, 2005 through the present. (Pl.'s Resp. at 6.)

Defendant moves to dismiss Plaintiff's case before this Court, and I GRANT Defendant's

motion and ORDER that this case be dismissed without prejudice. For reasons of judicial economy and efficient administration of justice, the Oakland County Circuit Court is a more appropriate forum for this dispute. The Oakland County court's order of judgment for Plaintiff explicitly retained jurisdiction to enforce that judgment, the appeal of which is now pending before the Michigan Court of Appeals. The Supreme Court has said that abstention by a federal court may be warranted to avoid interference with pending state civil proceedings that involve an important state interest. Juidice v. Vail, 430 U.S. 327, 336 (1977); Pennzoil Co. v. Texaco, Inc., 481 U.S. 1, 13-14 (1987). The Court has recognized "the importance to the States of enforcing the orders and judgments of their courts." Pennzoil Co., 481 U.S. at 13. For these reasons, the Oakland County Circuit Court is a more appropriate forum for this case.

IT IS SO ORDERED.

Date: February 6, 2006

s/John Feikens

United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on February 6, 2006, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager